

SENATOR R. JOHNSON: Mr. Speaker, members, I just want to get this cleared up in my own mind, Senator Hefner, if I could ask you a quick question.

SPEAKER BARRETT: Senator Hefner, would you respond?

SENATOR R. JOHNSON: Under this amendment, this would make the funds available to both public and private entities who might be doing this kind of activity, is that correct?

SENATOR HEFNER: Senator Johnson, that is correct.

SENATOR R. JOHNSON: Okay, well, we originally talked, in fact, the original bill did have in it that the funds could be given or granted to private enterprises. There had been brought to me a number of concerns over the constitutionality of that section and we struck most of the language that dealt with privates. Not that we don't recognize that solid waste is becoming more private or more private individuals are becoming involved in it, but we just had some questions about the constitutionality of that. Senator, I don't know but, again, I would raise the concern that not that this is, I don't think is mandated, is it, or is this a part of the laundry list that they could provide the grants to.

SENATOR HEFNER: Senator Johnson, you are correct there, and my purpose of this is to clarify another subsection and I believe this does it, and if this amendment is adopted, I will certainly request an Attorney General's Opinion to see whether it is constitutional or not, but I believe the way it is drafted, it would be constitutional.

SENATOR R. JOHNSON: Okay, I will take your word for that, and I would ask you, if you would, please, to check on the private aspects because I think there is some question there, and if it is legal to provide the grants for public purposes the private enterprises, then certainly we want to recognize those folks who are helping attack the solid waste problems of the state. I support Senator Hefner's amendment.

SPEAKER BARRETT: Thank you. Senator Hartnett, followed by Senator Wehrbein.

SENATOR HARTNETT: Mr. Speaker, and members of the body, if I